

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OMAR ANGEL ZAYAS

: CIVIL ACTION

v.

:

FILED

JUL 16 2014

COMMONWEALTH OF  
PENNSYLVANIA, et al.

:

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

: NO. 14-3138

O R D E R

AND NOW, this 16<sup>th</sup> day of

July

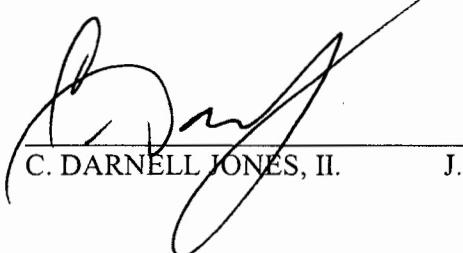
, 2014, upon consideration of

petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241(a) (Doc. 1), the Response to Petition for Writ of Habeas Corpus (Doc. 7), the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

**ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies; and
3. A certificate of appealability will not issue because reasonable jurists would not debate this court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

  
C. DARRELL JONES, II. J.